

JS-6

cc: order, docket, remand order to  
Los Angeles Superior Court, Southeast  
District, Whittier, No. 11 C 04364

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CACH, LLC,

**Plaintiff,**

V.

REYES S. SALCEDO, an individual; and  
DOES 1-10, inclusive,

## Defendants.

Case No. 2:12-cv-04595-ODW(VBKx)

## **REMAND ORDER**

The Court has received Defendant Reyes R. Salcedo's Notice of Removal. Having determined that it lacks subject-matter jurisdiction over this case, the Court hereby **REMANDS** this action to Los Angeles County Superior Court.

Federal courts are courts of limited jurisdiction, having subject-matter jurisdiction only over matters authorized by the Constitution and Congress. *See, e.g., Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A suit filed in state court may be removed to federal court if the federal court would have had original jurisdiction over the suit. 28 U.S.C. § 1441(a). A removed action must be remanded to state court if the federal court lacks subject-matter jurisdiction. 28 U.S.C. § 1447(c).

The presence or absence of federal-question jurisdiction is governed by the “well-pleaded complaint rule,” which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded

1 complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A case may not  
 2 be removed to federal court on the basis of a federal defense. *Hunter v. Phillip Morris*  
 3 *USA*, 582 F.3d 1039, 1042–43 (9th Cir. 2009).

4 Salcedo's bases his Notice of Removal in part “on claims ‘arising under’  
 5 federal law.” (Notice 1.) Yet, Plaintiff Cach, LLC’s Complaint asserts only claims  
 6 for breach of contract and common counts—neither of which arise under federal law.  
 7 Contrary to Plaintiff’s bald contention, Cach’s Complaint simply does not raise a  
 8 federal question, and thus the Court does not have federal-question jurisdiction over  
 9 this action under 28 U.S.C. § 1331.

10 Salcedo also maintains that this Court has diversity jurisdiction over this matter,  
 11 based in part on his belief “that the Amount in controversy exceeds \$75,00.00 (*sic*)  
 12 [seventy-five thousand dollars]” (brackets in original). (Notice 2.) But the Complaint  
 13 only demands \$3,362.48 in damages, which falls well below the requisite amount in  
 14 controversy to establish diversity jurisdiction in this Court under 28 U.S.C. § 1332.  
 15 Because Salcedo has not shown to a legal certainty that the amount in controversy in  
 16 this action will exceed \$75,000.00, exclusive of interest and costs, the Court  
 17 determines that it lacks diversity jurisdiction over this action. *See Lowdermilk v. U.S.*  
 18 *Nat'l Assoc.*, 479 F.3d 994, 999-1000 (9th Cir. 2007).

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1       For the above reasons, the Court **REMANDS** the case to Los Angeles County  
2 Superior Court for lack of subject matter jurisdiction. The Clerk of Court shall close  
3 this case.

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5       **IT IS SO ORDERED.**

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7       August 13, 2012

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OTIS D. WRIGHT, II  
UNITED STATES DISTRICT JUDGE